

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 were rejected.

Formal drawings are submitted herewith, and the objection to the drawings are believed obviated.

Claims 1, 3, 11, 13, and 19 were objected to for use of the word "selectably". To facilitate prosecution, this term has been removed from the claims. Applicant does respectfully note that the "selectably" is simply the adverb form of "selectable", and is easily understood to those of skill in the art. The term also appears in the claims of approximately 6000 issued patents.

The Examiner also objected to claim 20, based on a reference in the preamble. The Examiner is correct that claim 20 should depend from claim 19, and this is corrected above. The Examiner is thanked for noting the error.

The claim objections are believed obviated.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTION UNDER 35 U.S.C. § 112, second paragraph (Indefiniteness):

Claims 11-20 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is amended to specify that the claimed system is a computer network system, as described in the specification and illustrated in the figures, and that the claimed instructions are stored on one or more of the networked computer systems, as described, *e.g.*, at paragraphs 0039-0049. Claims 12-17 include similar amendments for consistent claim terms.

Claim 19 is amended to specify computer-readable media encoded with computer-executable instructions, as described, *e.g.*, at paragraph 00042. Claim 20 is similarly amended.

These rejections are therefore believed obviated. Accordingly, the Applicant respectfully requests the Examiner withdraw the § 112 rejection.

II. CLAIM REJECTION UNDER 35 U.S.C. §101

Claims 11-20 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

In light of the amendments made above, these rejections are believed moot, and are therefore traversed.

Accordingly, the Applicant respectfully requests the Examiner withdraw the double patenting rejection.

III. CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1-3, 8, 9 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0143450 to *Vidali*, hereinafter “Vidali”. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-67 (8th ed., rev. 5, August 2006) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Vidali discusses real estate transactions, but otherwise has little to do with the present claims.

Vidali does not teach or suggest presenting to a consumer a plurality of online consumer layer property conveyancing software applications using a messaging hub web browser associated with a gateway, as in claims 1, 11, and 19. Vidali does not include a plurality of consumer layer property conveyancing software applications. Vidali doesn't even mention a gateway or a hub. Vidali does not meet the limitations of the claims.

Vidali does not teach or suggest a web browser allowing tailored access to said plurality of on-line consumer layer property conveyancing software applications, as claimed – Vidali doesn't specifically mention a web browser at all, and even if it is fair to infer the use of a browser, one cannot also impute additional, unmentioned characteristics to the inferred browser.

Vidali does not teach or suggest adaptably channeling a plurality of on-line service provider layer property conveyancing software applications from associated software service providers to said gateway according to selections relating to said intended use of said on-line consumer layer property

conveyancing software applications, as claimed. Nothing in Vidali mentions a gateway or this specific interaction with a gateway.

Vidali does not teach or suggest interfacing a plurality of on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications serving back-office service providers, as claimed. Vidali certainly does not teach or suggest both on-line service provider layer and consumer layer property conveyancing software applications, as claimed.

Applicant would typically engage in a detailed analysis of the relevant teachings of the reference, but in this case, there is simply no mention at all in the reference of several claim features, and it is impossible to analyze teachings that are not present at all.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102 rejection with respect to these claims.

IV. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 4-7 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0143450 to *Vidali*, hereinafter “Vidali” in view of U.S. Publication No. 2004/0064402 to *Dryer et al.*, hereinafter “Dryer”. The Applicant respectfully traverses the rejection.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d

1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007))).

Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *Id.*

Claim limitations discussed above with regard to Vidali are similarly not taught or suggested by Dyer, and so no combination of Dyer and Vidali can teach or suggest these claim limitations.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 103 rejection with respect to these claims.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

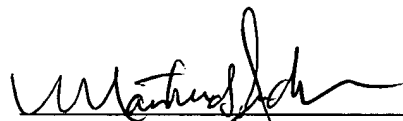
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 05-0765.

Respectfully submitted,

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